

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DISTRICT**

**AMANDA BOSARGE, JAQUELYN
BUTLER, KIMBERLY HARRELL,
WILLIAM MORGAN, PASTOR PAUL
PERKINS, BRANDI RENFROE, and DR.
JEANA STANLEY, individually and on
behalf of their minor children,**

Plaintiffs,

vs.

Civil Action No. 1:22-cv-233-HSO-BWR

**DANIEL P. EDNEY, in his official capacity
as the State Health Officer; LYNN FITCH, in
her official capacity as the Attorney General
of Mississippi; ASHLEY BLACKMAN, in her
official Capacity as Principal of East Central
Lower Elementary School; DR. ARCHIE R.
MITCHELL, in his official capacity as Principal
Of Senatobia Elementary School; ALLISON MERIT,
in her official capacity as Principal of North Bay
Elementary School; DR. ASHLEY ALLRED, in her
official capacity as Principal of Vancleave Upper
Elementary School; and DOUGLAS L. TYNES, in
his official capacity as the City Prosecutor for
Ocean Springs, Mississippi,**

Defendants

**ANSWER AND AFFIRMATIVE DEFENSES OF
DEFENDANT DR. DANIEL P. EDNEY**

Defendant Dr. Daniel P. Edney (“Dr. Edney”), State Health Officer, answers the Complaint of Plaintiffs Amanda Bosarge, Jaquelyn Butler, Kimberly Harrell, William Morgan, Pastor Paul Perkins, Brandi Renfroe, and Dr. Jeana Stanley, individually and on behalf of their minor children [ECF No. 1] as follows:

The two unnumbered introductory paragraphs make legal assertions regarding the nature of this civil action. These paragraphs do not contain factual allegations against Dr. Edney, and therefore no response is required. To the extent a response is required, denied.

Introduction

1. This paragraph does not contain any factual allegation against Dr. Edney, and therefore no response is required. To the extent a response is required, Dr. Edney states the Pew Research Center studies speak for themselves, and denies any characterization of the study or assertions of its relevance to this lawsuit.

2. Dr. Edney has no personal knowledge of the Plaintiffs' religious beliefs and therefore cannot admit or deny the allegations in this paragraph. The remaining allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about the meaning and applicability of particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

3. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about the meaning and applicability of particular statutes, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

4. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about the meaning and applicability of particular statutes, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

5. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about the meaning and applicability of particular statutes and case decisions,

which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

6. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about the meaning and applicability of particular case decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

7. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about the meaning and applicability of particular statutes, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

8. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about the meaning and applicability of particular statutes and laws, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

9. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about the meaning and applicability of particular statutes and laws, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

10. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about the meaning and applicability of unspecified provisions of the United States Constitution, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

11. Dr. Edney denies the allegations in this paragraph.

Jurisdiction and Venue

12. Dr. Edney admits that this Court has jurisdiction over this action.

13. Dr. Edney admits that venue is proper in this judicial district.

14. This paragraph contains legal conclusions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney states 28 U.S.C. §§ 2201-2202 and Federal Rule of Civil Procedure 57 speak for themselves and denies Plaintiffs' arguments and characterizations as to those authorities.

Parties

A. Plaintiffs

Pastor Paul Perkins

15. Dr. Edney has no personal knowledge regarding Pastor Paul Perkins and his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

16. Dr. Edney has no personal knowledge regarding Pastor Paul Perkins or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

17. Dr. Edney has no personal knowledge regarding Pastor Paul Perkins or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

18. Dr. Edney has no personal knowledge regarding Pastor Paul Perkins or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form

a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

19. Dr. Edney has no personal knowledge regarding Pastor Paul Perkins or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

20. Dr. Edney has no personal knowledge regarding Pastor Paul Perkins or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

21. Dr. Edney has no personal knowledge regarding Pastor Paul Perkins or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

22. Dr. Edney has no personal knowledge regarding Pastor Paul Perkins or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

23. Dr. Edney has no personal knowledge regarding Pastor Paul Perkins or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

24. Dr. Edney has no personal knowledge regarding Pastor Paul Perkins or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form

a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

25. Dr. Edney has no personal knowledge regarding Pastor Paul Perkins or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

Kimberly Harrell

26. Dr. Edney has no personal knowledge regarding Kimberly Harrell or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

27. Dr. Edney has no personal knowledge regarding Kimberly Harrell or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

28. Dr. Edney has no personal knowledge regarding Kimberly Harrell or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

29. Dr. Edney has no personal knowledge regarding Kimberly Harrell or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

30. Dr. Edney has no personal knowledge regarding Kimberly Harrell or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

31. Dr. Edney has no personal knowledge regarding Kimberly Harrell or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

32. Dr. Edney has no personal knowledge regarding Kimberly Harrell or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

33. Dr. Edney has no personal knowledge regarding Kimberly Harrell or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

34. Dr. Edney has no personal knowledge regarding Kimberly Harrell or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

35. Dr. Edney has no personal knowledge regarding Kimberly Harrell or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

36. Dr. Edney has no personal knowledge regarding Kimberly Harrell or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

37. Dr. Edney has no personal knowledge regarding Kimberly Harrell or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

38. Dr. Edney has no personal knowledge regarding Kimberly Harrell or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

39. Dr. Edney has no personal knowledge regarding Kimberly Harrell or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

40. Dr. Edney has no personal knowledge regarding Kimberly Harrell or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

Brandi Renfroe

41. Dr. Edney has no personal knowledge regarding Brandi Renfroe or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form

a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

42. Dr. Edney has no personal knowledge regarding Brandi Renfroe or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

43. Dr. Edney has no personal knowledge regarding Brandi Renfroe or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

44. Dr. Edney has no personal knowledge regarding Brandi Renfroe or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

45. Dr. Edney has no personal knowledge regarding Brandi Renfroe or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

46. Dr. Edney has no personal knowledge regarding Brandi Renfroe or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

47. Dr. Edney has no personal knowledge regarding Brandi Renfroe or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form

a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

48. Dr. Edney has no personal knowledge regarding Brandi Renfroe or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

49. Dr. Edney has no personal knowledge regarding Brandi Renfroe or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

50. Dr. Edney has no personal knowledge regarding Brandi Renfroe or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

51. Dr. Edney has no personal knowledge regarding Brandi Renfroe or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

52. Dr. Edney has no personal knowledge regarding Brandi Renfroe or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

Amanda Bosarge

53. Dr. Edney has no personal knowledge regarding Amanda Bosarge or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

54. Dr. Edney has no personal knowledge regarding Amanda Bosarge or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

55. Dr. Edney has no personal knowledge regarding Amanda Bosarge or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

56. Dr. Edney has no personal knowledge regarding Amanda Bosarge or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

57. Dr. Edney has no personal knowledge regarding Amanda Bosarge or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

58. Dr. Edney has no personal knowledge regarding Amanda Bosarge or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form

a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

59. Dr. Edney has no personal knowledge regarding Amanda Bosarge or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

60. Dr. Edney has no personal knowledge regarding Amanda Bosarge or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

61. Dr. Edney has no personal knowledge regarding Amanda Bosarge or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

William Morgan

62. Dr. Edney has no personal knowledge regarding William Morgan or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

63. Dr. Edney has no personal knowledge regarding William Morgan or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

64. Dr. Edney has no personal knowledge regarding William Morgan or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

65. Dr. Edney has no personal knowledge regarding William Morgan or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

66. Dr. Edney has no personal knowledge regarding William Morgan or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

67. Dr. Edney has no personal knowledge regarding William Morgan or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

68. Dr. Edney has no personal knowledge regarding William Morgan or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

69. Dr. Edney has no personal knowledge regarding William Morgan or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

70. Dr. Edney has no personal knowledge regarding William Morgan or his family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

Dr. Jeana Stanley

71. Dr. Edney has no personal knowledge regarding Dr. Jeana Stanley or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

72. Dr. Edney has no personal knowledge regarding Dr. Jeana Stanley or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

73. Dr. Edney has no personal knowledge regarding Dr. Jeana Stanley or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

74. Dr. Edney has no personal knowledge regarding Dr. Jeana Stanley or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

75. Dr. Edney has no personal knowledge regarding Dr. Jeana Stanley or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form

a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

76. Dr. Edney has no personal knowledge regarding Dr. Jeana Stanley or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

77. Dr. Edney has no personal knowledge regarding Dr. Jeana Stanley or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

78. Dr. Edney has no personal knowledge regarding Dr. Jeana Stanley or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

79. Dr. Edney has no personal knowledge regarding Dr. Jeana Stanley or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

80. Dr. Edney has no personal knowledge regarding Dr. Jeana Stanley or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

Jaquelyn Butler

81. Dr. Edney has no personal knowledge regarding Jacquelyn Butler or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

82. Dr. Edney has no personal knowledge regarding Jacquelyn Butler or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

83. Dr. Edney has no personal knowledge regarding Jacquelyn Butler or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

84. Dr. Edney has no personal knowledge regarding Jacquelyn Butler or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

85. Dr. Edney has no personal knowledge regarding Jacquelyn Butler or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

86. Dr. Edney has no personal knowledge regarding Jacquelyn Butler or her family's religious beliefs and practices, so Dr. Edney lacks information sufficient to form

a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

B. Defendants

87. Dr. Edney admits he is the State Health Officer for Mississippi and that he has been sued by Plaintiffs in his official capacity. The remaining allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about the operation of particular statutes and laws, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated

88. The allegations in this paragraph are not directed at Dr. Edney and, therefore, no response is required by him. To the extent a response is required, Dr. Edney denies the allegations as stated.

89. The allegations in this paragraph are not directed at Dr. Edney and, therefore, no response is required by him. To the extent a response is required, Dr. Edney denies the allegations as stated.

90. The allegations in this paragraph are not directed at Dr. Edney and, therefore, no response is required by him. To the extent a response is required, Dr. Edney denies the allegations as stated.

91. The allegations in this paragraph are not directed at Dr. Edney and, therefore, no response is required by him. To the extent a response is required, Dr. Edney denies the allegations as stated.

92. The allegations in this paragraph are not directed at Dr. Edney and, therefore, no response is required by him. To the extent a response is required, Dr. Edney denies the allegations as stated.

93. The allegations in this paragraph are not directed at Dr. Edney and, therefore, no response is required by him. To the extent a response is required, Dr. Edney denies the allegations as stated.

Statement of Common Facts

General Background of Compulsory Childhood Vaccination in Mississippi.

94. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about the meaning and applicability of particular Legislative actions and state laws, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

95. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about a court decision, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

96. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about a court decision, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

97. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about a court decision, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

98. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

99. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

100. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

101. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about the meaning and applicability of particular Legislative actions and state laws, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

102. The statute cited in this paragraph speaks for itself.

103. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about a particular state law, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

104. The statutes cited in this paragraph speak for themselves.

105. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

Developments Since Mississippi's Religious Exemption was Removed

106. The allegations in this paragraph consist of Plaintiffs' characterizations of legal and medical developments related to vaccines, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

107. The allegations in this paragraph consist of Plaintiffs' characterizations of legal and medical developments related to vaccines, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

108. The allegations in this paragraph consist of Plaintiffs' characterizations of legal and medical developments related to vaccines, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

Mississippi's Discretionary Exemption Process

109. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about a particular statute, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

110. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about a particular statute, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

111. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about a particular statute, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

112. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about certain statutes and regulations, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

113. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about certain statutes and regulations, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

114. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about certain statutes and regulations, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

115. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about certain statutes and regulations, which do not require a response from Dr. Edney. The immunization report cited by Plaintiffs speaks for itself. To the extent a response is required, Dr. Edney denies the allegations as stated.

Count

42 U.S.C. §1983 – Violation of Plaintiffs' First Amendment Free Exercise Rights with Respect to Plaintiffs' Sincerely Held Religious Beliefs

116. Dr. Edney reasserts and incorporates his answers to all preceding paragraphs.

117. The allegations in this paragraph consist of citations to and quotes from legal authorities that speak for themselves and do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

118. The allegations in this paragraph consist of citations to and quotes from legal authorities that speak for themselves and do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

119. The allegations in this paragraph consist of citations to and quotes from legal authorities that speak for themselves and do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

120. Dr. Edney has no personal knowledge regarding Plaintiffs' religious beliefs or attempts to enroll their children in school, so Dr. Edney lacks information sufficient to

form a belief about the truth of these allegations. Accordingly, Dr. Edney can neither admit nor deny the allegations in this paragraph.

121. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular legal authorities, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

122. The allegations in this paragraph consist of citations to and quotes from legal authorities that speak for themselves and do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

123. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

124. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

125. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

126. The allegations in this paragraph consist of citations to and quotes from legal authorities that speak for themselves and do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

127. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

128. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

129. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

130. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

131. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

132. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

133. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

134. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes, court decisions, and regulations, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

135. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about principles of judicial review in a constitutional challenge to a state law, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

136. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about principles of judicial review in a constitutional challenge to a state law, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

137. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about principles of judicial review in a constitutional challenge to a state law, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

138. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about principles of judicial review in a constitutional challenge to a state law, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

139. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about principles of judicial review in a constitutional challenge to a state law, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

140. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about principles of judicial review in a constitutional challenge to a state law, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

141. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about principles of judicial review in a constitutional challenge to a state law, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

142. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about principles of judicial review in a constitutional challenge to a state law, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

143. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about principles of judicial review in a constitutional challenge to a state law, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

144. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about principles of judicial review in a constitutional challenge to a state law, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

145. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

146. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

147. The allegations in this paragraph consist of Plaintiffs' legal arguments and conclusions about particular statutes and court decisions, which do not require a response from Dr. Edney. To the extent a response is required, Dr. Edney denies the allegations as stated.

148. Dr. Edney denies that Plaintiffs are entitled to any form of relief against him.

Injunctive Relief Allegations

149. Dr. Edney reasserts and incorporates his answers to all preceding paragraphs.

150. Dr. Edney denies that Plaintiffs are entitled to injunctive relief against him.

151. Dr. Edney denies that Plaintiffs are entitled to injunctive relief against him.

152. Dr. Edney denies that Plaintiffs are entitled to injunctive relief against him.

153. Dr. Edney denies that Plaintiffs are entitled to injunctive relief against him.

154. Dr. Edney denies that Plaintiffs are entitled to injunctive relief against him.

Declaratory Relief Allegations

155. Dr. Edney reasserts and incorporates his answers to all preceding paragraphs.

156. Dr. Edney denies that Plaintiffs are entitled to declaratory relief against him.

157. Dr. Edney denies that Plaintiffs are entitled to declaratory relief against him.

158. Dr. Edney denies that Plaintiffs are entitled to declaratory relief against him.

Prayer for Relief

Dr. Edney denies the allegations in the unnumbered paragraph under the heading “Prayer for Relief,” and denies that Plaintiffs are entitled to any relief against him.

AFFIRMATIVE DEFENSES

Dr. Edney, having fully answered the complaint, also pleads the separate affirmative defenses set forth below. Dr. Edney reserves his rights to plead additional defenses based on discovery. The assertion of specific defenses is not intended as an assumption by Dr. Edney of the burden of proof with respect to issues or defenses for which Plaintiffs would otherwise bear the burden of proof.

Dr. Edney pleads the following affirmative defenses:

1. Dr. Edney denies that he violated any duty allegedly owed to Plaintiffs under the Constitutional and laws of the United States, or under the Constitution and laws of the State of Mississippi.

2. Dr. Edney is entitled to and asserts his qualified and official immunities, both state and federal common law and statutory as well as any defenses to any and all claims alleged in the complaint.

3. Some or all of plaintiffs’ claims are barred by the applicable statute of limitations and/or doctrine of laches.

4. Some or all of plaintiffs' claims are barred for failure to exhaust administrative remedies.

5. Plaintiffs' claims are barred by the Eleventh Amendment to the United States Constitution.

6. Dr. Edney pleads all of the affirmative defenses Federal Rule of Civil Procedure 8(c) lists to the extent they may apply: accord and satisfaction, arbitration and award, assumption of risk, contributory negligence, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, and waiver.

7. To the extent Plaintiffs may validly pursue a declaratory judgment, that provides an adequate remedy barring injunctive relief.

8. Dr. Edney asserts all defenses which are available, or may become available through further discovery, pursuant to Federal Rule of Civil Procedure 12.

9. Discovery has not yet begun. Dr. Edney reserves the right to add further or supplemental defenses as may be appropriate based upon information developed during discovery.

Respectfully submitted, November 14, 2022.

/s/ Michael J. Bentley

Michael J. Bentley (MS Bar #102631)

Bradley Arant Boult Cummings, LLP

188 East Capitol Street, Suite 1000

P.O. Box 1789

Jackson, MS 39215-1789

Telephone: (601) 948-8000

Facsimile: (601) 948-3000

mbentley@bradley.com

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2022, I electronically filed the foregoing pleading with the Clerk of the Court using the ECF filing system, which will send notification of such filing to all counsel of record.

Submitted November 14, 2022.

/s/ Michael J. Bentley
MICHAEL J. BENTLEY